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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

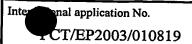
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P801139/WO/1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)		
International application No.	International filing date (day/n		Priority date (day/month/year)
PCT/EP2003/010819	30 September 2003 (30.	09.2003)	24 October 2002 (24.10.2002)
International Patent Classification (IPC) or na E05F 5/06	ational classification and IPC		
Applicant	DAIMLERCHRYSLI	BR AG	
This international preliminary exami- and is transmitted to the applicant ac-	nation report has been prepared cording to Article 36.	by this Intern	ational Preliminary Examining Authority
2. This REPORT consists of a total of	5 sheets, including	g this cover sl	neet.
amended and are the basis for	ed by ANNEXES, i.e., sheets of this report and/or sheets contain Administrative Instructions unde	ning rectificat	on, claims and/or drawings which have been cions made before this Authority (see Rule
These annexes consist of a total	al of sheets.		
3. This report contains indications relati	ng to the following items:		
I Basis of the report			
II Priority			
III Non-establishment of	opinion with regard to novelty,	inventive ste	p and industrial applicability
IV Lack of unity of inver	ntion		
V Reasoned statement u	nder Article 35(2) with regard tions supporting such statement	o novelty, inv	rentive step or industrial applicability;
VI Certain documents cit	ted		
VII Certain defects in the	international application		
VIII Certain observations	on the international application		
Date of submission of the demand	D		
		completion of	
24 January 2004 (24.01.2004)		17 M	(arch 2005 (17.03.2005)
Name and mailing address of the IPEA/EP	Authoriz	ed officer	
Facsimile No.	Telephor	ne No.	

Form PCT/IPEA/409 (cover sheet) (July 1998)

INTERNATIONAL PREL





I. Basis	s of the re	port		
1. With	n regard to	the elements of the international application:*		
		mational application as originally filed		
		cription:		
	pages	1-8		an aniaimally filed
	pages	1-0		, as originally filed
	pages		, filed with the letter of	, filed with the demand
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	pages _		* * *	, as originally filed
	pages _			
	pages _	1-7		, filed with the demand
		1-7	, filed with the letter of _	23 December 2004 (23.12.2004)
	the draw	vings:		
	pages _	1/2-2/2		, as originally filed
	pages _			, filed with the demand
	pages _			
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Replace in this and 70.	the the the the This report beyond the report as 1.17).	andments have resulted in the cancellation of: e description, pages e claims, Nos e drawings, sheets/fig thas been established as if (some of) the amendment e disclosure as filed, as indicated in the Supplemental I sets which have been furnished to the receiving Office is "originally filed" and are not annexed to this results sheet containing such amendments must be referred to	in response to an invitati eport since they do not	ion under Article 14 are referred to contain amendments (Rule 70.16
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INTERNATIONAL PRESUMINARY EXAMINATION REPORT

International	application No.
/EP	03/10819

v. 	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement			· · · · · · · · · · · · · · · · · · ·	
	Novelty (N)	Claims	3-7	YES	
		Claims	1, 2	NO	
	Inventive step (IS)	Claims		YES	
		Claims	1-7	NO	
	Industrial applicability (IA)	Claims	1-7	VEC	
		Claims		YES NO	
	Citations and audi			NO	

- 2. Citations and explanations
 - 1.1 Reference is made to the following documents:

D1: US-B-6 401 396 (HAUG HEINZ ET AL) 11 June 2002 (2002 - 06 - 11)

D2: DE 197 34 320 A (BAYERISCHE MOTOREN WERKE AG) 18 February 1999 (1999-02-18)

D3: US-B-6 293 0501 (JOEHNK BENNO) 25 September 2001 (2001 - 09 - 25)

D4: US-A-3 171 156 (LUCIEN PERAS) 2 March 1965 (1965-03-02)

D5 was not cited in the international search report. 1.2

D5: US-A-2 651 805 (RAY A. LAIBLE) 15 September 1953 (1953 - 09 - 15)

D5 discloses (cf. column 2, lines 42-51; column 3, 2. lines 1-35; figures 1-3) an inlet brake (22) with a U-shaped receiving element (column 2, line 44) for braking and retaining a vehicle opening part, said brake having all the features of claim 1,

see in particular:

- a rod-like door hinge bracket (6) (column 3, lines 28-29) is braked by means of a clamping effect (column 3, line 4: "cushions") of the lateral brake cheeks (20, 21) which form a continuously tapering clamping receiver (see figures and column 3, line 31: "wedgingly");
- the brake cheeks (20, 21) are sprung relative to one another;
- because the brake consists of an integral leaf spring (22), both the brake cheeks and the central crossbar which connects the brake cheeks are sprung; furthermore, the brake fixing means (23, 26) is mounted on the central crossbar.

Consequently, the present application does not satisfy the criterion of PCT Article 33(2) because the subject matter of claim 1 is not novel over the prior art as defined in the Regulations (PCT Rule 64.1 - 64.3).

3. Independent claim 6 and dependent claims 2-5 and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements - see documents D1-D4 and the corresponding passages indicated in the search report and D5.

See in particular:

- D5 (column 3, lines 26-30: direct co-operation between rod-like hinge bracket (6) and conical brake (22)) and D2 (automatic opening unit (23) and brake (15)/hinge bracket (3) in a hatchback device (1)) for independent claims 6 and 7;
- D1 for claim 3.